

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DAVID JAMES	§	
TDCJ-CID #1251548	§	
v.	§	C.A. NO. C-08-253
	§	
WARDEN MENDOZA, ET AL.	§	

ORDER DENYING PLAINTIFF'S MOTION FOR TRANSCRIPT

This is a civil rights action filed by a state prisoner pursuant to 42 U.S.C. § 1983. Pending is plaintiff's motion for a copy of the transcript of an evidentiary hearing. (D.E. 12). Specifically, he requests the transcript from an August 25, 2008 Spears hearing.¹

This Court may order the preparation of a transcript, if it is deemed that such transcript is necessary. 28 U.S.C. § 1915(c). The Fifth Circuit has held that prisoners proceeding in forma pauperis are not necessarily entitled to the transcripts of their Spears hearings. See Norton v. Dimanzana, 122 F.3d 286, 293 (5th Cir. 1997). Plaintiff was present for the August 25, 2008 telephonic hearing. He has failed to specify how any of the transcripts are necessary to effectively litigate his action beyond complaining about the size of the room and table during the hearing.

Accordingly, plaintiff's motion for a copy of the transcript of an evidentiary hearing, (D.E. 12), is DENIED.

ORDERED this 9th day of September 2008.


BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE

¹ Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985).